IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3978 of 2005

Between:

Abdul Waheed Khan S/o. Abdul Hameed Khan
R/o. 18-11-134, Barkas, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner of Prohibition and Excise, Hyderabad.
2 The Prohibition and Excise Inspector, Balanagar, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent No.1 herein in not granting the interim custody of the vehicle bearing Reg. No. AP-11-V-2320 pursuant to the petition filed by the petitioner as illegal, arbitrary, unjust and consequently direct the respondent No.1 herein to release the vehicle bearing Reg. No. AP-11-V-2320 and to grant such other relief of reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAM REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that the competent authority is not releasing the vehicle i.e. auto rickshaw, which was allegedly found carrying some illicitly distilled liquor sachets.

It is the contention of the learned counsel for the petitioner that the vehicle left with the custody of the respondents would be exposed to natural vagaries and ultimately it would become useless.

Having regard to the facts and circumstances of the case, I deem it expedient to give a positive direction to the respondents to release the vehicle subject to the conditions that may be found to be satisfactory to them or as deemed fit.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 09-03-2005

To

1 The Deputy Commissioner of Prohibition and Excise, Hyderabad.

2 The Prohibition and Excise Inspector, Balanagar, R.R. District.

3 Two CCs to GP for Excise, High Court buildings, Hyderabad.

4 Two CDs.